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A carrier of passengers is not an insurer of their safety. *Gardner v. N. Jersey Traction Co.*, 58 N. J. L., 176; *McPadden v. N. Y. Central R. Co.*, 44 N. Y., 478. It is firmly established that its liability is based on negligence. *Readhead v. Midland R. Co.*, L. R. 2 Q. B., 412; *Stokes v. Saltonstall*, 13 Pet. (U. S.), 181. The weight of authority holds that a carrier is bound to exercise the highest degree of care, skill, and diligence in the protection of passengers from injury by fellow passengers. *Louisville & N. R. Co. v. Finn*, 16 Ky. L. R., 57; *Pittsburg & C. R. Co. v. Pillow*, 76 Pa. St, 510; *Penn R. Co. v. Roy*, 102 U. S., 451, but some courts hold that only ordinary care and diligence is required. *Chicago & A. R. Co. v. Pillsbury* 123 Ill., 9; *Ill. C. R. Co. v. Minor*, 69 Miss., 710. The carrier is not liable for the wrongs and indignities of fellow passengers unless they might have been foreseen and guarded against, or had notice of such wrongful conduct. *Simmons v. Steamship Co.*, 97 Mass., 361; *Story on Bailments*, Sec. 661. A carrier will be liable for injuries to a pregnant woman by reason of negligence, although such injury is occasioned by her condition. *Baltimore & O. R. Co. v. Leapley*, 65 Md., 571. If the passenger is known to be under a physical or mental disability, a higher degree of attention is required than for an ordinary person. *Burke v. C. & N. W. R. Co.*, 18 Ill. App., 565; *Memphis St. R. Co. v. Shaw*, 110 Tenn., 467; but see *contra*, *Spade v. Lynn & B. R. Co.*, 172 Mass., 488. A Nebraska statute provides that the carrier shall be liable for all damages to passengers unless the injured party be criminally negligent or violated a known rule of the company. *Chicago, etc., R. Co. v. Zerneck*, 59 Neb., 689.

CARRIERS—PASSENGERS—SAFE PLACE TO ALIGHT—CARRIER'S OBLIGATIONS.—*LOUISVILLE & S. I. TRACTION CO. V. WALKER*, 97 N. E., 151 (IND.).—*Held*, the rule requiring only ordinary care on the part of railroads in maintaining safe places for the ingress and egress of passengers at stations cannot be extended to cases where the railroad requires a passenger to alight on a dangerous roadway in order to change cars for the completion of the journey.

The extreme liability of the carrier for the safety of passengers is generally recognized as being modified to reasonable care in its application to stations and depots. *Palmer v. Penn. Co.*, 111 N. Y., 488; *Conroy v. Chicago, etc., R. Co.*, 96 Wis., 243; *Elliott on Railroads*, Sec. 1590. If a station be actually unsafe for use it is recognized that an absolute liability attaches to the carrier. *Falk v. New York, S. & N. R. Co.*, 56 N. J. Law, 380. The authorities are not in accord as to the duty of the carrier in being responsible in an absolute degree for the safety of a passenger alighting between stations. The better rule would seem to be that the carrier is liable for negligence in such cases, provided the conductor knew of the passenger's intention to alight. *Beringer v. Dubuque St. Ry. Co.*, 118 Ia., 135; *Jacobson v. St. Louis Transit Co.*, 106 Mo. App., 339. It has been held that the employes of a street car have a right to assume that a passenger will notice an excavation in the street, *Bigelow v. West End St. Ry. Co.*, 161 Mass., 393; but the rule in the principal case is directly

supported in *Richmond City Ry. Co. v. Scott*, 86 Va., 902, and *Cincinnati, N. O. & T. P. Ry. Co. v. Richardson*, 14 Ky. Law Rep., 367. The carrier is generally held liable for negligent direction in inducing a passenger to leave a train, *Laub v. Chicago, B. & O. Ry. Co.*, 118 Mo. App., 488, but there is authority that it is not the carrier's duty to assist the passenger, by direction or otherwise, in alighting. *Raben v. Central Iowa Ry.*, 73 Ia., 579.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF LAWS—DISCRIMINATION BETWEEN RACES.—*PEOPLE v. ROBINSON*, 132 N. Y. SUPP., 674.—*Held*, in proceedings before a magistrate for disorderly conduct consisting in sending to a woman letters declaring love and insisting and proposing marriage, the reception over defendant's objection of evidence that he is of the negro race, and the taking of that fact into consideration by the magistrate, do not violate any constitutional right of the defendant, and do not deprive him of the equal protection of the laws, nor discriminate against him on account of race or color.

The promotion of colored persons to citizenship is not an admission of them to all the rights and privileges of white persons, in the same manner and to the same extent. *Green v. State*, 58 Ala., 190. There may be discriminations between classes of persons where reasons exist which make them necessary or advisable, but there can be none based upon grounds purely arbitrary. *Story on the Constitution*, Sec. 1961. Equal protection of the law means that all have access to the same courts, like rules of evidence are required, and no discrimination in degree of liability incurred or punishment inflicted for a violation of the laws. *Pace v. Alabama*, 106 U. S., 583; *In re Grice*, 79 Fed., 627; *Hayes v. Missouri*, 120 U. S., 68. The legislature may provide a special punishment for a special class of offenders. *Ex parte Liddell*, 93 Cal., 633; *People v. Coon*, 67 Hun. (N. Y.), 523. A statute providing that a person of one race be punished more severely than a person of another race is invalid because of race discrimination. *Ho Ah Kow v. Nunan*, 5 Sawy. (U. S.), 552. Excluding Chinese as witnesses for or against white persons is not discrimination. *Li Sing v. United States*, 180 U. S., 486. But a statute eliminating negroes from jury duty is invalid. *Ex parte Virginia*, 100 U. S., 313. Race and color may be made a constituent of an offense, provided it does not lead to a discrimination in punishment. *Ellis v. State*, 42 Ala., 526.

CONTRACTS—INVALIDITY—"PUBLIC POLICY."—*COUCH v. HUTCHINSON*, 57 SOU. (ALA.), 76.—*Held*, that the public policy the Court is concerned with in determining whether a contract is void is that evidenced by the Constitution, the statutes, or definite principles of customary law, developed by the course of judicial decisions, and the Court should not declare a contract void on such a ground, except in a case free from doubt.

Public policy of a state is not determined by the opinions of judges as to the moral or social advantage of the community. *U. S. v. Trans-*